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July 14, 2011

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Hon. Andrew J. Guilford
United States District Court
Central District of California
Southern Division
411 West Fourth Street
Santa Ana, CA 92701

Re: LIBERI, et al. V. TAITZ, et al.
Case No.: 8:11-CV-00485-AG (AJWx)
*Request for Leave to File Motion for Reconsideration on Order Granting Leave to
File First Amended Complaint*

Dear Hon. Andrew J. Guilford:

Defendants, ORLY TAITZ and DEFEND OUR FREEDOMS FOUNDATION, INC., hereby request this Court for leave to file a Motion for Reconsideration of Motion for Leave to File First Amended Complaint pursuant to Federal Rules of Civil Procedure, Rule 7 and Local Rule 7-18. This request is based upon the following:

- (1) Local Rule 7-18(a): “a material difference in fact or law from that presented to the Court before such decision that in the exercise of reasonable diligence could not have been known to the party moving for reconsideration at the time of such decision”; and
- (2) Local Rule 7-18(c): “a manifest showing of a failure to consider material facts presented to the Court before such decision.”

In order for a Motion for Leave to Amend to be granted, this Court must consider four factors, identified in this Court’s Order as follows:

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(1) whether the movant unduly delayed in bringing the motion, (2) evidence of bad faith or dilatory motive on the part of the movant, (3) the movant's repeated failure to cure deficiencies by previous amendments, (4) prejudice to the opposing party, and (5) futility of amendment. (Court's Order Granting Leave to Amend, dated June 14, 2011, Docket No. 227.)

Defendants intend on presenting evidence and legal arguments regarding factor (2), evidence of bad faith or dilatory motive; and factor (5), futility of amendment.

Plaintiffs' Motion for Leave to File First Amended Complaint was filed on April 29, 2011, with a hearing date of May 31, 2011. In Plaintiffs' Motion, Plaintiffs failed to attached a copy of Plaintiffs' Proposed First Amended Complaint.

Defendants' Opposition thereto was due to be filed on May 23, 2011, a Monday. Plaintiffs did not furnish a copy of their Proposed First Amended Complaint until May 20, 2011, the preceding Friday. Further note that Plaintiff's Proposed First Amended Complaint comprised 198 pages, and incorporated 145 separate and distinct exhibits, equaling approximately 800 pages for review. This dilatory and voluminous filing provided the Defendants little to no opportunity to address the First Amended Complaint on its merits, and particularly with regard to Factors (2) and (5). As such, Defendants, with reasonable diligence, could not have addressed this in its Opposition (Local Rule 7-18(a)); and further, as stated in this Court's Order, Defendants were unable to present arguments regarding factors (2) and (5) for this court to address (Local Rule 7-18©)).

As such, Defendants, ORLY TAITZ and DEFEND OUR FREEDOMS FOUNDATION, INC., hereby respectfully request this Court grant leave to file a Motion for Reconsideration of the Motion for Leave to File a First Amended Complaint.

Very truly yours,

SCHUMANN, RALLO & ROSENBERG, LLP

/s/ - Peter Cook

PETER COOK

PC/mlf